IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CIVIL WRIT PETITION NO. 2316 OF 1995

DATE OF DECISION: March 26, 2007

Parties Name

Amar Nath Bansal

..PETITIONER

VERSUS

State of Haryana and another

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASBIR SINGH
HON'BLE MR. JUSTICE NIRMAL YADAV

PRESENT: Mr. Sudhir Aggarwal, Advocate, for Mr. B.S.Rana, Advocate, for the petitioner.

Mr. I.S.Kang, AAG, Haryana,

Mr. P.S.Saini, Advocate, for respondent No. 2.

JASBIR SINGH, J. (oral)

Order.

This writ petition has been filed with a prayer to quash order dated August 27, 1993 (Annexure P2), vide which prayer of the petitioner to refer the dispute, with regard to his termination, for adjudication to the Labour Court was declined by the appropriate authority, i.e., respondent No. 1. The impugned order reads thus:

> "You are informed on the above cited subject that Govt. do not consider your case fit for reference to the Court for adjudication because from the enquiry it has come to the notice that you have settled your accounts with the Management."

We are of the view that the impugned order is non-speaking and furthermore, respondent No. 1, while declining prayer of the petitioner,

had virtually settled dispute on merits, which is not open to it. In view of ratio of the judgment of the Full Bench in Radhey Sham and another v. State of Haryana and another, 1988(2) R.S. J. 26, we quash the order under challenge and direct respondent No. 1 to refer the dispute for adjudication to the Labour Court. Needful be done within one month.

The writ petition stands disposed of.

(Jasbir Singh)
Judge

(Nirmal Yadav)
Judge

March 26, 2007.